

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Jay S. Walker et al.

For: DETERMINATION AND PRESENTATION
OF PACKAGE PRICING OFFERS IN
RESPONSE TO CUSTOMER INTEREST
IN A PRODUCT

Examiner: Not Yet Assigned

RECEIVED

DEC 15 1999

Group 2700

Serial No.: 09/360,422

Filing Date: July 23, 1999



Group Art Unit: 2764

Docket No.: 99-004

Assistant Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicants submit herewith patents, publications or other information of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a thorough search has been made, an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists. Nor shall the filing of this information disclosure statement be construed as an admission against interest in any manner.

This Information Disclosure Statement is filed in accordance with 37 C.F.R. §§1.56, 1.97 and 1.98. The items listed below and on the accompanying Form PTO-1449 may be deemed to be pertinent to the above-identified application and are made of record to assist the Patent and Trademark Office in its examination of this application. The Examiner is respectfully requested to fully consider these items and to independently ascertain their teaching.

- A. U.S. Patent No. 4,996,642 entitled "SYSTEM AND METHOD FOR RECOMMENDING ITEMS", issued to John B. Hey on February 26, 1991.
- B. U.S. Patent No. 5,173,851 entitled "METHOD AND APPARATUS FOR DISPENSING DISCOUNT COUPONS IN RESPONSE TO THE PURCHASE OF ONE OR MORE PRODUCTS", issued to George W. Off et al. on December 22, 1992.
- C. U.S. Patent No. 5,353,219 entitled "SUGGESTIVE SELLING IN A CUSTOMER SELF-ORDERING SYSTEM", issued to Raymond J. Mueller et al. on October 4, 1994.
- D. U.S. Patent No. 5,459,306 entitled "METHOD AND SYSTEM FOR DELIVERING ON DEMAND, INDIVIDUALLY TARGETED PROMOTIONS", issued to Buddy Stein et al. on October 17, 1995.
- E. U.S. Patent No. 5,481,094 entitled "POINT-OF-SALE TERMINAL", Hiroshi Suda on January 2, 1996.
- F. U.S. Patent No. 5,521,364 entitled "PRODUCTS-SELLING-DATA PROCESSING APPARATUS HAVING FUNCTION FOR ADMINISTERING SALES OF ARTICLE SOLD BY THE BUNDLE AND ITS METHOD", issued to Yoshiharu Kimura et al. on May 28, 1996.
- G. U.S. Patent No. 5,612,868 entitled "METHOD AND APPARATUS FOR DISPENSING DISCOUNT COUPONS", issued to George W. Off et al. on March 18, 1997.
- H. U.S. Patent No. 5,671,276 entitled "METHOD AND APPARATUS FOR IMPULSE PURCHASING OF PACKAGED INFORMATION SERVICES", issued to Mark K. Eyer et al. on September 23, 1997.
- I. U.S. Patent No. 5,687,322 entitled "METHOD AND SYSTEM FOR SELECTIVE INCENTIVE POINT-OF-SALE MARKETING IN RESPONSE TO CUSTOMER SHOPPING HISTORIES", issued to David W. Deaton et al. on November 11, 1997.
- J. U.S. Patent No. 5,710,886 entitled "ELECTRIC COUPONING METHOD AND APPARATUS", issued to Scott N. Christensen et al. on January 20, 1998.
- K. U.S. Patent No. 5,710,887 entitled "COMPUTER SYSTEM AND METHOD FOR ELECTRONIC COMMERCE", issued to Raman Chelliah et al. on January 20, 1998.

- L. Michael Schrage, "Free Stuff! Predatory pricing or creative cross-promotion? You be the judge; The Beta Version; Industry Trend or Event; Column", Marketing Computers, October 1995, No. 9, Vol., 15, Page 24.
- M. Website: "Verbind Technology", Verbind, Inc., <http://www.verbind.com/tech.html>
Download Date: July 30, 1999.
- N. U.S. Patent No. 5,732,398 entitled "SELF-SERVICE SYSTEM FOR SELLING TRAVEL-RELATED SERVICES OR PRODUCTS", issued to Richard S. Tagawa on March 24, 1998.
- O. U.S. Patent No. 5,749,081 entitled "SYSTEM AND METHOD FOR RECOMMENDING ITEMS TO A USER", issued to David E. Whitels on May 5, 1998.
- P. U.S. Patent No. 5,774,869 entitled "METHOD FOR PROVIDING SPONSOR PAID INTERNET ACCESS AND SIMULTANEOUS SPONSOR PROMOTION", issued to Adrian Toader on June 30, 1998.
- Q. U.S. Patent No. 5,791,991 entitled "INTERACTIVE CONSUMER PRODUCT PROMOTION METHOD AND MATCH GAME", issued to Maynard E. Small on August 11, 1998.
- R. U.S. Patent No. 5,806,045 entitled "METHOD AND SYSTEM FOR ALLOCATING AND REDEEMING INCENTIVE CREDITS BETWEEN A PORTABLE DEVICE AND A BASE DEVICE", issued to James E. Biorge et al. on September 8, 1998.
- S. U.S. Patent No. 5,809,144 entitled "METHOD AND APPARATUS FOR PURCHASING AND DELIVERING DIGITAL GOODS OVER A NETWORK", issued to Marvin A. Sirbu et al. on September 15, 1998.
- T. U.S. Patent No. 5,816, 918 entitled "PRIZE REDEMPTION SYSTEM FOR GAMES", issued to Matthew F. Kelly et al. on October 6, 1998.
- U. U.S. Patent No. 5,822,735 entitled "FOCUSED COUPON SYSTEM", issued to James P. De Lapa et al. on October 13, 1998.
- V. U.S. Patent No. 5,832,496 entitled "SYSTEM AND METHOD FOR PERFORMING INTELLIGENT ANALYSIS OF A COMPUTER DATABASE", issued to Tejwansh S. Anand et al. on November 3, 1998.
- W. U.S. Patent No. 5,835,087 entitled "SYSTEM FOR GENERATION OF OBJECT PROFILES FOR A SYSTEM FOR CUSTOMIZED ELECTRONIC IDENTIFICATION

OF DESIRABLE OBJECTS", issued to Frederick S. M. Herz et al. on November 10, 1998.

- X. U.S. Patent No. 5,842,178 entitled "COMPUTERIZED QUOTATION SYSTEM AND METHOD", issued to Joseph Giovannoli on November 24, 1998.
- Y. Website: "Net Perceptions", <http://www.netperceptions.com/company/indexB.html>, Download Date: August 2, 1999.
- Z. U.S. Patent No. 5,848,396 entitled "METHOD AND APPARATUS FOR DETERMINING BEHAVIORAL PROFILE OF A COMPUTER USER", issued to Thomas A. Gerace on December 8, 1998.
- AA. U.S. Patent No. 5,855,007 entitled "ELECTRONIC COUPON COMMUNICATION SYSTEM", issued to Neboisa Jovicic et al. on December 29, 1998.
- BB. U.S. Patent No. 5,857,175 entitled "SYSTEM AND METHOD FOR OFFERING TARGETED DISCOUNTS TO CUSTOMERS", issued to Larry J. Day et al. on January 5, 1999.
- CC. U.S. Patent No. 5,859,414 entitled "INTERACTIVE CUSTOMER INFORMATION TERMINAL", issued to Douglas Michael Grimes et al. on January 12, 1999.

1. ☐ Any copy of the items listed above and on the enclosed copy of Form PTO-1449 that is not enclosed with this Information Disclosure Statement was previously cited by or submitted to the Patent and Trademark Office in the prior ☐ Continuation, ☐ Divisional or ☐ Continuation in part application filed under 37 C.F.R. §§ 1.53 or 1.60, U.S. Serial No. _____, filed _____.
2. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a European Search Report from a counterpart European application is enclosed. Such items are marked as reference letter(s): _____.
3. ☐ For each of the following items listed above and on the enclosed copy of Form PTO-1449 that is not in the English language, a concise explanation of the relevance of that item is incorporated in the specification of the above-identified application. Such items are marked as reference letter(s): _____.
4. ☒ In addition to the citations listed above, applicants respectfully direct the Examiner's attention to the following U.S. patent applications, which are commonly assigned to the assignee of the instant application, and which may be deemed pertinent to the instant application:

<u>Serial No.</u>	<u>Inventors</u>	<u>Filing Date</u>	<u>Group Art Unit</u>	<u>Examiner's Init.</u>
09/085,424	Walker et al.	May 27, 1998	2764	

The Examiner is respectfully requested to fully consider and independently ascertain the teachings and relevance of those applications with respect to the instant application.

5. ☒ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with:
 - ☐ 37 C.F.R. §1.97(b)(1), within three months of the filing date of the above-identified application.
 - ☐ 37 C.F.R. §1.97(b)(2), within three months of the date of entry into the national stage as set forth in §1.491.
 - ☒ 37 C.F.R. §1.97(b)(3), before the mailing date of a first Office Action on the merits.
6. ☐ No fee is believed to be due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. 1.97(c), after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action), and is accompanied by one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below.

7. ☐ A fee is due under 37 C.F.R. §1.17(p) for this Information Disclosure Statement since it is being filed in compliance with 37 C.F.R. §1.97(c) after the period specified in paragraph 5 above but before the mailing date of a final action or a Notice of Allowance (where there has been no prior final action). The fee due under 37 C.F.R. §1.17(p) is to be paid as set forth in paragraph 11 below.
8. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in accordance with 37 C.F.R. §1.97(d), after the mailing date of a final action or a Notice of Allowance, but before the payment of the issue fee, and is accompanied by:
- a. one of the certifications pursuant to 37 C.F.R. §1.97(e) set forth in paragraph 10 below; and
 - b. this document is to be considered as a petition requesting consideration of the information disclosure statement.
 - c. the fee due under 37 C.F.R. §1.17(i)(1) which is paid as set forth in paragraph 11 below.
9. ☐ A fee is due under 37 C.F.R. §1.17(i)(1) for this Information Disclosure Statement since it is being filed in compliance with:
- ☐ 37 C.F.R. §1.313(b)(3), after the issue fee has been paid and information cited in this Information Disclosure Statement may render at least one claim unpatentable and is accompanied by the attached Petition to Withdraw Application from Issue;
 - ☐ 37 C.F.R. §1.313(b)(5), after the issue fee has been paid and information cited in this Information Disclosure Statement is to be considered in a Continuation application upon abandonment of the instant application and is accompanied by the attached Petition to Withdraw Application from Issue.
 - ☐ The fee due under 37 C.F.R. §1.17(i)(1) is paid as set forth in paragraph 11 below.
10. ☐ I hereby certify:
- ☐ that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. A copy of such communication is enclosed.
 - ☐ that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned

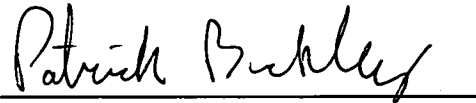
after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

11. ☐ Please accept payment of the fees due as indicated below:

- ☐ A check in the amount of \$240.00 is enclosed in payment of the fee due under 37 C.F.R. 1.17(p).
- ☐ The Commissioner is hereby authorized to charge \$240.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(p). A duplicate copy of this sheet is attached for such purpose
- ☐ A check in the amount of \$130.00 is enclosed in payment of the fee due under 37 C.F.R. §1.17(i)(1).
- ☐ The Commissioner is authorized to charge \$130.00 to Deposit Account No. 50-0271 in payment of the fee due under 37 C.F.R. §1.17(i)(1). A duplicate copy of this sheet is attached.

12. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required for this Information Disclosure Statement, or credit any overpayment to Deposit Account No. 50-0271. A copy of this authorization is attached.

Respectfully submitted,



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December 10, 1999
Date